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Remarks

The Applicant thanks the Examiner for enabling the Applicant to supplement the Current Response.

Combination of Bryant and Groves improper in rejecting Claim 1-6

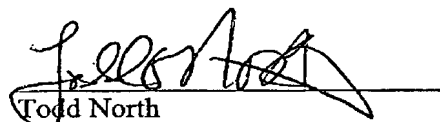
In addition to the arguments in the Current Response, the Applicant respectfully submits Bryant teaches away from any combination with Groves because a major benefit in Bryant would be lost if combined with Groves. Specifically, Bryant teaches the window well shield or liner is structural and can function as a window well itself, "the window well shield may be used alone as primary window well shield or as a decorative skirt..." (See paragraph 9). By combining Groves with Bryant, the benefits of the structural integrity would be lost, as Groves is not structural and not designed to function as a window well.

In addition to the arguments in the Current Response regarding the recent decision in *KSR v. Teleflex*, the Applicant respectfully submits the Examiner failed to consider secondary considerations in combining Bryant and Groves. Some of these factors include: market pressure and/or the current state of the market; and use of the common sense by one skilled in the art. (See, *KSR v. Teleflex*, No. 04-1350, pg. 17,18). In other words, would one skilled in the art look to combining the references based on his or her knowledge or common sense with respect to the current state of the market? In this case, the Applicant believes that given the current state of the window well liner market, one skilled in the art would not have looked to combine Bryant and Groves. First, the major benefit in Groves would be lost as previously discussed. Second, the liner as taught in Groves presents a photographic and/or pictorial view most likely to be used in lining the

window wells of childrens' rooms and so forth. In contrast, Bryant presents a decorative rock wall which may include waterfalls and like. The liners as taught in Bryant are likely more expensive to make and/or build, and likely to be used on higher end, more expensive homes. A window well designer/constructor designing and/or constructing a Bryant shield would not have considered using Groves, as Groves merely teaches a lower end, less expensive and not likely to be used in conjunction with the higher end, more expensive Bryant Shields.

Applicant believes the above remarks in the Supplemental and Current Response and pending claims have addressed each of the issues pointed out by the Examiner in the Office Action. In light of the foregoing amendments and remarks, the claims should be in a condition for allowance. Should the Examiner wish to discuss any of the proposed changes, Applicant again invites the Examiner to do so by telephone conference.

Respectfully Submitted,


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